

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2151/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4 AND 5 OF PLANNING APPLICATION 4/23/2053/0F1	
3.	Location:	LAND ADJACENT TO 12 KIRKBECK DRIVE, BECKERMET	
4.	Parish:	Beckermets with Thornhill	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	No No No See Report See Report
7.	Report: Site and Location	This application relates to land adjacent to 12 Kirkbeck Drive, a detached bungalow property located within the south of Beckermets. The grassed site extends 0.06 hectares, which forms part of the residential curtilage of the existing dwelling. The site is bounded to the north and south by residential dwellings, to the west by Kirkbeck, and to the east by the access road for Kirkbeck Drive which serves 12 residential dwelling within a cul-de-sac arrangement. The site slopes significantly from east to west and has previously been granted planning permission	

for a residential dwelling.

Relevant Planning History

4/09/2448/0 – Outline application with all matters reserved for the subdivision of the garden of an existing domestic plot for one dwelling – Approved.

4/11/2411/0F1 – For bedroomed split level dwelling – Withdrawn.

4/12/2022/0F1 – Split level dwelling (re-submission) – Approved.

4/23/2053/0F1 – Single Dwelling – Approved.

Proposal

In August 2023, planning permission (ref: 4/23/2053/0F1) was granted for the erection of a single dwelling at this site. This current application seeks to discharge conditions 3, 4, and 5 attached to planning approval 4/24/2096/0F1. These conditions state the following:

Pre Commencement Conditions

3. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - surface water management details during the construction phase

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

4. The development must not commence until visibility splays providing clear visibility of 15 metres to the north and 45 metres to the south measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have



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been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

Prior to Erection of External Walling Conditions

5. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

The information submitted to support this application comprises of the following:

- Application Form, received by the Local Planning Authority on the 3rd May 2024.
- Construction Traffic Management Plan (Amended), Document Ref: CTMP_DOC_01, received by the Local Planning Authority on the 6th June 2024.
- Access and Visibility Splays, Scale 1:200, DRG 006, Rev: B, received by the Local Planning Authority on the 3rd May 2024.

- Construction Traffic Management Plan, Scale 1:250, DRG 008, Rev: A, received by the Local Planning Authority on the 3rd May 2024.
- Materials List, received by the Local Planning Authority on the 3rd May 2024.
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Consultation Responses

Cumberland Council – Highway Authority & Local Lead Flood Authority

4th June 2024

Condition 3 – Condition 3 can only be discharged when the visibility splays have been completed on site. Once the works are complete a site visit should be arranged.

Condition 4 - The LHA are content in principle with the supporting information submitted to discharge Condition 4 but within the Construction Traffic Management Plan appendix 1,2 and 3 are missing, this needs to be rectified before Condition 4 can be discharged.

Condition 5 - Not for the LHA and LLFA to discharge.

19th June 2024

Condition 3 – Condition 3 can only be discharged when the visibility splays have been completed onsite. Once the works are complete a site visit should be arranged.

Condition 4 -The LHA are content in with the supporting information submitted to the LPA, therefore Condition 4 can be discharged

Condition 5 - Not for the LHA and LLFA to discharge.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.



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Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

Cumberland Council are continuing the preparation and progression to adoption of the ELP. The Local Plan Examination Hearing Sessions were completed in March 2023. The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national

planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS11PU - Protecting Air Quality

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU - Affordable Housing

Policy SC1PU - Health and Wellbeing



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Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Policy N9PU - Green Infrastructure

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA).

Assessment

The application seeks to discharge the requirements of condition 3, 4, and 5 attached to the previous planning permission at this site. These are assessed separately below:

Condition 3:

This condition seeks to discharge the requirement for the development to provide a Construction Traffic Management Plan. Following the receipt of additional information the Highway Authority have confirmed that this condition can be discharged. It is however noted that the incorrect condition numbers have been referenced within the Highway Authorities response.

It is therefore confirmed that condition 3 can be discharged.

Condition 4:

This condition seeks to discharge the requirements for the development to provide the relevant visibility splays for the proposal. The Highway Authority have however advised that this condition cannot be discharged until the visibility splays have been completed on site and a site visit undertaken to approve works.

	<p>It is therefore confirmed that condition 4 cannot be discharged.</p> <p>Condition 5:</p> <p>This condition seeks to discharge the materials for this development. Based on the details submitted within this application, the Local Planning Authority are satisfied with the information provided and confirm that the materials proposed are acceptable for this site and in the context of the surrounding area. Details of the proposed timber cladding are yet to be submitted.</p> <p>It is therefore confirmed that condition 5 can only be discharged in part until all material details are provided.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of condition 3.</p> <p>Approved discharge of condition 5 in part.</p>	
Case Officer: C. Burns		Date : 19.06.2024
Authorising Officer: N.J. Hayhurst		Date : 20.06.2024
Dedicated responses to:- N/A		